

## REMARKS

### REJECTIONS UNDER 35 U.S.C. § 101

Claims 6-10 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant has amended the specification to remove any reference to propagated signals. Thus, Applicant submits claims 6-10 are statutory and comply with 35 U.S.C. § 101.

### REJECTIONS UNDER 35 U.S.C. § 103

#### Claims 6-20

Claims 6-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,961,141 issued to Hopkins et al. (*Hopkins*) in view of Auslander et al.: Fast, Effective Dynamic Compilation, ACM, pages 149-159, 1996 (*Auslander*). Applicant submits claims 6-20 are not obvious in view of *Hopkins* and *Auslander* for at least the reasons set forth below.

Claim 6 recites, in part, moving register class fixups for the assignment of the second register class and removing unnecessary register class fixups to reduce the register class fixups. Independent claims 11 and 16 recite similar limitations. The Office action states that *Hopkins* discloses: “fix up code is inserted...move the value from one space to another,” referencing column 3, lines 33-44. Unfortunately, the Office action minces the words of *Hopkins*, thereby distorting its meaning.

Column 3, lines 33-44 of *Hopkins* simply explain “fix up” code. One of the two motivations for inserting “fix up” code, per *Hopkins*, is to move the value contained in the symbolic register from one register space to another. Paragraph [0028] of Applicant’s

specification provides a very similar explanation of fixups: fixups (e.g., register class fixups) are instructions inserted into existing code to move data and/or values from one symbolic register to another symbolic register. Thus, *Hopkins*, col. 3, lines 33-44, simply describes fixup instructions as described in paragraph [0028] of Applicant's specification. In other words, the "movement" described in *Hopkins* refers to an action performed by the fixup instruction and not an action performed on the fixup instruction – the distinction is critical.

*Hopkins* does appear to disclose removing dead code (col. 2, lines 50-60). However, *Hopkins* does not disclose *moving* fixup instructions *to reduce the number of fixup instructions*. Thus, *Hopkins* fails to disclose moving register class fixups for the assignment of the second register class and removing unnecessary register class fixups to reduce the register class fixups, as recited in claim 6.

*Auslander* was cited as disclosing conjunctive forward dataflow analysis. Whether or not *Auslander* discloses the limitations cited in the Office action, *Auslander* does not disclose moving register class fixups for the assignment of the second register class and removing unnecessary register class fixups to reduce the register class fixups. Thus, *Auslander* fails to cure the deficiencies of *Hopkins*. Accordingly, Applicant submits claims 6, 11 and 16 are not obvious in view of *Hopkins* and *Auslander*.

Claims 7-10 depend from claim 6. Claims 12-15 depend from claim 11. Claims 17-20 depend from claim 16. Given that dependent claims necessarily include the limitations of the claims from which they depend, Applicant submits claims 7-10, 12-15 and 17-20 are not obvious for at least the same reasons claims 6, 11 and 16 are not obvious.

CONCLUSION

For at least the foregoing reasons, Applicant submits that the rejections have been overcome. Therefore, claims 6-20 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
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I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below.

Date: 2/8/2008

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